

### **REMARKS**

This Amendment after Allowance is submitted in response to the Notice of Allowability mailed April 28, 2010 and the Notice to File Corrected Application Papers – Notice of Allowance Mailed dated June 11, 2010. A copy of the Notice to File Corrected Application Papers is enclosed herewith. This amendment is requested with the payment of the issue fee and thus is deemed proper.

The Notice to File Corrected Application Papers requires that a brief description of the drawings contained in the present application be provided. In response, a section entitled “BRIEF DESCRIPTION OF THE DRAWINGS” has been inserted at page 6 to accommodate the figure legends found on top of each drawing. Support is found *inter alia* in the drawings containing Figures 1-26. Additionally, appropriate section headings have also been added at page 1 and page 6 following the brief description of the drawings. No new matter has been added.

Upon further review, Applicants note certain informalities in the allowed claims. Specifically, due to claim amendments, allowed claims 4 and 6 are substantial duplicate of each other. To further differentiate claims 4 and 6, claim 6 has been amended without prejudice or disclaimer to specify that the polyunsaturated fatty acids produced contain at least three double bonds. Support for this amendment is found in the specification, for example, at page 7, lines 19-20. The amendment to claim 6 further narrows down the subject matter recited in the claim and thus, does not change the scope of the claim. Additionally, claims 2, 3, 10, 18, and 19 have been amended without prejudice or disclaimer to provide further clarification or to correct the antecedent basis. Support is found *inter alia* in the original claims. No new matter has been added. The above amendments concern merely formal matters and do not change the scope of the claims. Applicants believe no further search or examination is required.

Applicants respectfully request entry of this amendment under 37 C.F.R. § 1.312 because the amendments to the claims concern merely formal matters and do not change the scope of the claims.

Applicants enclose the Issue Fee transmittal and believe no further fee is due. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13478-00002-US from which the undersigned is authorized to draw.

Respectfully submitted,

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,013	09/30/2005	Andreas Renz	13478-00002-US	6294
23416 7590 06/11/2010 CONNOLLY BOVE LODGE & HUTZ, LLP P O BOX 2207 WILMINGTON, DE 19899			EXAMINER MCELWAIN, ELIZABETH F	
			ART UNIT 1638	PAPER NUMBER
			MAIL DATE 06/11/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Commissioner for Patents  
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Application No. : 10552013  
Applicant : Renz  
Filing Date : 09/30/2005  
Date Mailed : 06/11/2010

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

### *Notice of Allowance Mailed*

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

**Applicant is given 2 month(s) from the mail date of this Notice within which to respond.**

The informalities requiring correction are indicated in the attachment(s). If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to respond within the above-identified time period will result in the application being ABANDONED. **This period for reply is NOT extendable under 37 CFR 1.136(a).**

See attachment(s).

*A copy of this notice **MUST** be returned with the reply. Please address response to  
"Mail Stop Issue Fee, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450".*

/Shirley Winslow/  
Publishing Division  
Office of Data Management  
(571) 272-4200

Application No. 10552013

**IDENTIFICATION OF SPECIFICATION/DRAWING INCONSISTENCIES**

- ☐ On Page of the specification there is a brief description of FIG. , but the drawings filed do not include a drawing with that designation. Applicant must respond either by supplying the omitted drawing or by amending the specification to remove all references to that drawing.
- ☐ The drawings filed include FIG. , but the specification's brief description of the drawings does not describe a drawing with that designation. Applicant must respond either by amending the specification to add a brief description of that drawing or by correcting the drawings to remove the drawing in question.
- ☒ Drawings are present in the application and are referred to in the detailed description of the invention, but the specification does not contain a brief description of the drawings as required by 37 CFR 1.74 and 37 CFR 1.77(b)(8).
- ☐ Page of the specification refers to FIG. , but no drawing with that designation is described in the brief description of the drawings and no drawing with that designation is present in the application. Applicant must respond either by amending the specification to remove all references to that drawing, or by supplying that drawing and amending the specification to add a brief description of it.

COMMENTS:

**IDENTIFICATION OF DRAWING DEFICIENCIES**

- ☐ There is a hole or the image thereof within the illustration. FIG(s)
- ☐ The illustration is penetrated or traversed by a solid or broken line that is not intended to be part of the drawing, such as a dark line caused by a flaw in the copying process. FIG(s)
- ☐ An ink stamp or the image thereof obscures part of the illustration. FIG(s)
- ☐ The drawing is marred by black smudges, obliterations, or fax/copier marks (for example, speckles or dots in a substantial portion of the drawing). FIG(s)
- ☐ Figure numbers are duplicated or missing. FIG(s)
- ☐ Drawing sheet or figure is missing. FIG(s)
- ☐ Numbers, letters, or reference characters in the drawing have been crossed out or are illegibly handwritten. FIG(s)
- ☐ The character of the lines, numbers, and letters is poor. FIG(s)
- ☐ The drawing's background shows that the original drawing was made on graph paper or other paper with a pattern or decoration. FIG(s)
- ☐ The FIG. number label is placed in a location that causes the drawing to be read upside down. FIG(s)
- ☐ Data, a reference number, or part of the drawing is truncated or missing, or a lead line has no reference number. FIG(s)
- ☒ The drawing is continued onto a second page (or more) without proper labeling under 37 CFR 1.84(u)(1). FIG(s) see below
- ☐ The drawing and/or the FIG. label contain(s) foreign language. FIG(s)
- ☐ A petition under 37 CFR 1.84(a)(2) to accept color drawings has been granted, but the brief description of the drawings in the specification does not contain (or has not been amended to contain) the paragraph required by 37 CFR 1.84(a)(2)(iv).

**COMMENTS:**

Figs. 13,14,15,16,17,18,19 and 20